

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

JOAQUIN IRWIN FOY,	)	
	)	
Petitioner,	)	
v.	)	Civil Action
	)	No. 10-3324-CV-S-GAF-H
ERIC HOLDER, U.S.	)	
ATTORNEY GENERAL, et al.,	)	
	)	
Respondent.	)	

**ORDER AND JUDGMENT**

Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, the petition herein for a writ of habeas corpus was referred to the United States Magistrate for preliminary review under the provisions of 28 U.S.C. § 636(b).

The United States Magistrate has completed his preliminary review of the petition herein for a writ of habeas corpus and has submitted to the undersigned a report and recommendation that the petition for a writ of habeas corpus be dismissed without prejudice.

Having fully reviewed the record de novo, the Court agrees with the Magistrate that the petition for habeas corpus relief should be dismissed. Based on the file and records in this case, it is concluded that the findings of fact, conclusions of law, and proposed actions of the Magistrate are correct and should be approved. It is therefore

ORDERED that petitioner be, and he is hereby, denied leave to proceed in forma pauperis.  
It is further

ADJUDGED that the petition herein for a writ of habeas corpus be, and it is hereby,  
dismissed without prejudice.

s/ Gary A. Fenner  
Gary A. Fenner, Judge  
United States District Court

DATED: December 22, 2010